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PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

October 17, 2008

Applicant: Hozumi TANAKA

For: METHOD OF AND APPARATUS FOR MOLDING A POLARIZING FILM

Serial No.: 10/674 169 Group: 1791

Confirmation No.: 1955

Filed: September 29, 2003 Examiner: Huson

Atty. Docket No.: 4410.P0626US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF UNDER 37 CFR 41.41**

Sir:

This Reply Brief is being filed pursuant to the provisions of 37 CFR 41.41 and is directed to points of argument raised by the Examiner in the Examiner's Answer dated August 21, 2008.

As pointed out in the Appellant's Brief on Appeal, the primary Cameron reference is directed to a method of manufacturing a print pad having a surface textured for printing on a highly polished surface such as a contact lens or a contact lens mold. In this reference, a planar sheet of plastic 16 is vacuum molded or thermo-formed on a male mold with a textured surface 22 directed toward the mold. When a male mold 24 is used, stretching occurs in the plastic sheet 16 and an annular area 26 surrounding the center 28 of the mold without significantly stretching the plastic 16 which makes up the center portion. The thermo-forming or vacuum-forming process in which the heated plastic 16 and the heated surface 22 is draped over the surface of the male mold is said

to not result in the melting away of the texturing of the surface 22.


In the Examiner's Answer, the Examiner states that column 4, lines 1-14 of this reference discloses that the stretching of the film at the position 28 is less than that at position 26 and that a reference mark is formed at position 28. Applicants have read and re-read this portion of the Cameron reference and can find no such disclosure. While this portion of the Cameron reference does disclose that texturing is retained at the center 28, there is no disclosure in this reference that a reference mark is formed. Therefore, Appellant respectfully submits that the Examiner is reading a disclosure into this reference which does not exist. The Examiner further admits that this reference does not show forming a polarizing film or applying a specific tension to the film. The Examiner states that the bump or protrusion located at position 28 of the molded film is interpreted to be the reference mark. However, simply because the Examiner calls it a reference mark does not necessarily make it so. The Examiner then states in the Examiner's Answer that this reference was not cited to show a reference mark formed in a polarizing direction. Appellant is not sure as to exactly why this reference was cited as it merely shows the maintaining of a textured surface on a thermo-formed plastic sheet.

The Examiner states that the Tasaka et al reference has been cited to show that it is known to carry out a method of forming a polarized film including the setting of a tensile of the polarizing film in a certain direction less than a tension of the polarizing film in a direction perpendicular to the certain direction. However, as pointed out in the Appellant's Brief on Appeal, what this reference actually discloses is the application of a tensile difference between the traveling direction of a film and a direction perpendicular to the traveling direction to give a polarization to the film and thereby manufacture the polarizing film. The tensile difference is applied in this reference to add polarization to

the film and not applied after the polarizing film has been manufactured to mold it in a specific shape. Furthermore, since the Cameron reference is not concerned with manufacturing a polarizing film, one of ordinary skill in the art would not use the teachings of Tasaka et al in combination with Cameron to form a polarized sheet as opposed to the textured sheet shown there. Moreover, there is a lack of teaching in both references as to how the processes disclosed there, even if combined, were provide a reference mark in a polarizing direction. This is a classic case of the Examiner selecting bits and pieces of the two references and combining them while disregarding the teachings of the references as a whole. The Examiner clearly is in error in his rejection of the claims under consideration on appeal over the cited references.

Reversal of the Examiner is respectfully solicited.

Respectfully submitted,

  
Terryence F. Chapman

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 17, 2008.

  
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